



2014 Chief FOIA Officer Report

Peggy Philbin
Deputy Director and Chief FOIA Officer
U.S. Trade and Development Agency

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The U.S. Trade and Development Agency (USTDA or the Agency) submits this report at the request of the Office of Information Policy of the U.S. Department of Justice.

SECTION I: STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

USTDA is a small, independent federal agency with less than 50 full-time employees whose mission is to help companies create U.S. jobs through the export of U.S. goods and services for priority development projects in emerging economies. Given the nature of USTDA's work, the Agency has a strong interest in making sure that accurate, relevant information about its activities is available to and easily accessible by the public. Available via USTDA's website, for instance, is a virtual library where any person can search for and request reports on Agency-funded feasibility studies and technical assistance projects, https://www.ustda.gov/library/search_criteria.cfm. Due in part, we believe, to USTDA's success in making a substantial amount of relevant information about its activities publicly available, the Agency receives only a small number of FOIA requests each year. Notably, USTDA received only 13 FOIA requests in Fiscal Year (FY) FY2013, the second-to-lowest number of requests it has received since 1998.

For a number of years, USTDA has assigned one Assistant General Counsel, who acts as the Agency's FOIA Public Liaison, to review FOIA requests as part of his or her overall agency responsibilities. Because the number of FOIA requests USTDA receives is small, the Assistant General Counsel is able to review each request directly, applying the presumption of openness to each one. In addition, for some time, one Information Resource Assistant has been assigned to help the Assistant General Counsel log and process FOIA requests. USTDA has found that its system for processing FOIA requests is efficient and ensures the meaningful application of the presumption of openness to each request. In FY2013, as in FY2012, USTDA responded to nearly half the requests it processed with full record grants.

FOIA TRAINING

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

USTDA did not conduct an agency FOIA conference or other training during this reporting period. The Assistant General Counsel in charge of FOIA matters most recently conducted an agency-wide FOIA training in March 2012, and the materials from that training remain available to all USTDA staff.

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

N/A.

3. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Yes. The Assistant General Counsel in charge of FOIA matters attended the Department of Justice's FOIA Annual Report and FOIA Chief Officer Report Refresher Training in October 2013.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

USTDA's Assistant General Counsel in charge of FOIA matters is the only FOIA professional in the Agency. She attended substantive FOIA training during this reporting period.

5. OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

USTDA has sent the Assistant General Counsel in charge of FOIA matters to substantive FOIA training each of the past two fiscal years, and plans to continue that practice in the future. Given the small number of FOIA requests USTDA receives each year, the Assistant General Counsel in charge of FOIA matters is able to review each FOIA request directly.

OUTREACH

- 6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.**

Because USTDA receives a relatively low number of FOIA requests each year and continually strives to make more information about its activities publicly available, the Agency has not found a need to conduct group-based outreach efforts outside of its normal FOIA processing practice. On a case-by-case basis, USTDA reaches out to members of the requester community in instances when channels in addition to FOIA might prove helpful. For example, in Fiscal Year 2013, USTDA received a FOIA request from a student interested in the Agency's work in Aktau, Kazakhstan. The Agency's FOIA professionals processed the FOIA request, but also put the requester in touch with the Agency's Country Manager with responsibility for Kazakhstan, who was happy to speak to the requester about USTDA's work there.

DISCRETIONARY DISCLOSURES

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

- 7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.**

USTDA is centralized, and processes all of its FOIA requests through its Assistant General Counsel in charge of FOIA matters. The Assistant General Counsel reviews every FOIA request the Agency receives directly, applying the presumption of openness to each one. In doing so, the Assistant General Counsel seeks to identify instances in which discretionary disclosures would be appropriate and consistent with the Attorney General's 2009 FOIA Guidelines.

- 8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?**

USTDA did not make any discretionary releases of otherwise exempt information during the reporting period.

9. What exemptions would have covered the information that was released as a matter of discretion?

Because of the nature of USTDA's work, the exemption that would most often apply to information that could be released as a matter of discretion is Exemption 5, which pertains to privileged inter-agency or intra-agency memoranda or letters.

10. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

USTDA did not make any discretionary releases of otherwise exempt information.

11. If your agency was not able to make any discretionary releases of information, please explain why.

USTDA did not process any FOIA requests during the reporting period for which a discretionary release was possible. USTDA either disclosed all records or determined that it had no responsive records for every request it processed during the reporting period.

OTHER INITIATIVES

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

USTDA did not post all quarterly FOIA reports for Fiscal Year 2013. The Agency will utilize calendar reminders to ensure that it posts these reports in the future.

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

USTDA provides individualized legal attention to each FOIA request. Specifically, the Assistant General Counsel in charge of FOIA matters reviews each FOIA request and all potentially responsive agency records, and applies the presumption of openness in processing the request. USTDA believes that the individualized legal attention to each request ensures the consistent and proper application of the presumption of openness.

SECTION II: STEPS TAKEN TO ENSURE THAT YOUR AGENCY HAS AN EFFECTIVE SYSTEM IN PLACE FOR RESPONDING TO REQUESTS

As the Attorney General emphasized in his FOIA Guidelines, “[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.” It is essential that agencies effectively manage their FOIA program.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

When a new FOIA request is received by USTDA, the request is logged into the Agency’s electronic FOIA log and forwarded to the Assistant General Counsel in charge of FOIA matters, who reviews the request. The search for responsive documents is initiated promptly by the Information Resource Assistant in consultation with the Assistant General Counsel. Subsequently, the Assistant General Counsel determines whether USTDA has any responsive documents and applies the presumption of openness in determining which documents are releasable, as illustrated by the fact that USTDA responded to nearly half the requests it processed during the reporting period with full record grants. The Assistant General Counsel continuously works to ensure that the system for responding to requests is effective and efficient, and if necessary implements changes or improvements as appropriate.

PERSONNEL

During Sunshine Week 2012 OPM announced the creation of a new job series entitled the Government Information Series, to address the work performed by FOIA and Privacy Act professionals. Creation of this distinct job series was a key element in recognizing the professional nature of their work.

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

N/A. Given the small size of USTDA and the small number of FOIA requests it receives each year, the Agency has not found it necessary or efficient to hire full-time FOIA or Privacy Act personnel. Accordingly, all USTDA FOIA personnel have additional responsibilities. As reported in USTDA’s Annual FOIA Report for FY2013, for instance, the Agency’s FOIA personnel and FOIA staff devoted approximately ten percent of their time to FOIA matters, and the balance of their time to their remaining responsibilities. Given that fact, the new Government Information Specialist job series does not encompass the bulk of the work performed by these personnel.

2. If not, what proportion of personnel has been converted to the new job series?

N/A. For the reasons set forth above, USTDA has not converted any of its FOIA personnel to the new job series.

3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

USTDA does not plan to convert any of its current FOIA professionals' position descriptions to the new series because the series does not accurately reflect the bulk of the work they perform. Should USTDA find that it becomes necessary or efficient to hire full-time FOIA personnel or staff in the future, the Agency will ensure that their position descriptions are properly classified.

PROCESSING PROCEDURES

4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A. USTDA did not receive or process any requests for expedited processing in FY2013.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

USTDA has not found it necessary or efficient to implement additional procedures with respect to consultations and referrals, given the small number of requests the Agency receives and the individualized legal attention it provides to each FOIA request.

REQUESTER SERVICES

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

Yes, USTDA uses email to communicate with requesters whenever possible.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

USTDA has not yet had occasion to notify a FOIA requester of these services.

- 8. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc.**

USTDA continually monitors its system for processing FOIA requests with an eye toward making it more efficient and effective. The Agency has found that its system of individualized legal attention coupled with adequate administrative support is both efficient and effective.

SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made during this last reporting period (i.e., from March 2013 to March 2014). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

POSTING MATERIAL

- 1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?**

USTDA continually strives to identify and make more information about its activities available to the public, as illustrated by the increased amount and usefulness of the material posted on its website during the reporting period, as well as the Agency's receipt of fewer FOIA requests in FY2013 than in all but one other year since 1998.

- 2. If so, describe the system that is in place.**

Because USTDA is a commercially-focused Agency with an interest in disseminating information about its activities to the public, its FOIA personnel and other staff work continually to identify material that is suitable for public distribution as well as to improve the accessibility and usability of the material that is publicly available.

- 3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.**

One new category of material that USTDA made available on its website during the reporting period is Market Intelligence reports, such as the one available at <http://www.ustda.gov/program/regions/eastasia/>. The Agency also made major content updates

to the following substantive portals on its website: 1) USTDA Evaluations Portal, <http://www.ustda.gov/program/eval/>; 2) USTDA Project Proposals Portal, <http://www.ustda.gov/program/proposals/>; 3) USTDA Global Procurement Initiative Portal, <http://www.ustda.gov/gpi/>; and 4) USTDA Making Global Local Portal, <http://www.ustda.gov/makinggloballocal/>. Further, USTDA posted numerous press releases, business opportunities and events on its website during the reporting period. All press releases issued by USTDA in 2013, for instance, are available at the following link, <http://www.ustda.gov/news/pressreleases/2013/>, and an example of an event posting is available here, <http://www.ustda.gov/news/events/2014/LAC/Colombia/USColombiaSmartGridWorkshop.asp>.

MAKING POSTED MATERIAL MORE USEFUL

- 4. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?**

Yes. USTDA is a commercially-focused agency with a significant interest in disseminating clear and useful information about its activities to the public. USTDA's website is well-organized, regularly updated and searchable, and contains clear and easy-to-find contact information for a number of individuals, including USTDA's webmaster.

- 5. If so, provide examples of such improvements.**

During the reporting period, USTDA significantly improved the usefulness of the "Library Holdings" information on its website by including a list of available feasibility study and technical assistance reports by title, https://www.ustda.gov/library/PublicFS_TAAproved_012000_110613.pdf. The Agency is currently working to make its Library Holdings request form more user-friendly, and intends to ultimately provide direct links to the reports, rendering the Library Holdings request form unnecessary. Also during the reporting period, USTDA created an automated RSS feed to which members of the public may subscribe in order to be notified of USTDA events.

- 6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?**

USTDA makes a great deal of information available on its website, and also used social media during the reporting period to provide the public with an opportunity to ask questions and provide feedback on the Agency's activities. In addition, for the first time ever, USTDA hosted a series of Twitter chats in conjunction with a number of export, trade and finance-related agencies in May 2013, <http://www.ustda.gov/TradeChat/>. These Twitter chats provided an easy

way for U.S. companies and members of the public generally to inquire and learn about USTDA's activities.

- 7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.**

No, USTDA has found it relatively simple to post appropriate records on its website.

- 8. Describe any other steps taken to increase proactive disclosures at your agency.**

USTDA continually strives to increase proactive disclosures with respect to USTDA's library database of USTDA-funded activities. USTDA maintains a regularly updated web page on USTDA "Library Holdings" which allows individuals to electronically search USTDA's library database for completed USTDA-funded studies by region, country or sector.

SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. Over the past several years agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

ONLINE TRACKING OF FOIA REQUESTS

- 1. Can a FOIA requester track the status of his/her request electronically?**

No, a FOIA requester cannot yet track the status of his/her request electronically.

- 2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?**

N/A.

- 3. Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.**

N/A.

- 4. In particular, does your agency tracking system provide the requester with an estimated date of completion for his/her request?**

N/A.

- 5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.**

Yes, USTDA is taking steps to provide online tracking of requests, and is generally continually working to improve its FOIA processing procedures. Given the small number of requests the Agency receives each year and its system for logging FOIA requests, the Assistant General Counsel and Information Resource Assistant are readily able to locate and provide information about the status of FOIA requests upon request. The Agency also endeavors to notify requesters of any delay in the processing of specific requests engendered by, for instance, a need to notify a submitter of potentially privileged or confidential commercial or financial information.

USE OF TECHNOLOGY TO FACILITATE PROCESSING OF REQUESTS

- 6. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?**

Given the small number of FOIA requests received by USTDA each year, and the direct review and processing of each request by the Assistant General Counsel, USTDA believes that its current system makes appropriate use of technology.

- 7. If so, describe the technological improvements being made.**

N/A.

- 8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?**

USTDA does not believe that additional technological tools are necessary in order to achieve further efficiencies, nor does it believe that such additional tools would be cost-effective.

SECTION V: STEPS TAKEN TO REDUCE BACKLOGS AND IMPROVE TIMELINESS IN RESPONDING TO REQUESTS

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.*

SIMPLE TRACK REQUESTS

- 1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed FOIA requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited track), based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, please answer the questions below using the figure provided in your report for your non-expedited requests.**

- a. Does your agency utilize a separate track for simple requests?**

Yes.

- b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?**

N/A. For FY2013, USTDA did not receive any FOIA requests which fell within the "simple" category. Accordingly, the number of days to process simple requests reported on the Agency's 2013 Annual FOIA Report is 0.

- c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?**

USTDA does track simple requests separately, but did not receive any FOIA requests in FY2013 that were placed into the simple track. The answer to the question based on all non-expedited requests processed by USTDA in FY2013 is yes. USTDA's average processing time for non-expedited requests was 15.75 days in FY2013, the lowest average processing time for such requests since USTDA began reporting this figure in 2008.

BACKLOGS AND “TEN OLDEST” REQUESTS, APPEALS AND CONSULTATIONS

2. **Section XII.A of your agency’s Annual FOIA Report, entitled “Backlogs of FOIA Requests and Administrative Appeals” shows the numbers of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” and Section XII.C., entitled “Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency,” show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.**

BACKLOGS

- a. **If your agency had a backlog of requests at the end of Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?**

No, the backlog increased by one request from FY2012 to FY2013, to a total of two backlogged requests.

- b. **If your agency had a backlog of administrative appeals at the end of Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?**

USTDA did not have any backlogged FOIA appeals at the end of FY2013.

TEN OLDEST REQUESTS

- c. **In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the close of Fiscal Year 2012?**

No. USTDA closed all but one FOIA request that was pending at the end of FY2012.

- d. **If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your “ten oldest” in Section VII.E. and you closed two of them, you should note that you closed two out of seven “oldest” requests.**

USTDA had only one oldest request pending at the end of Fiscal Year 2012, and did not close that request.

TEN OLDEST APPEALS

- e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the close of Fiscal Year 2012?**

There were no administrative appeals pending as of the close of FY2012.

- f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.**

N/A.

REASONS FOR ANY BACKLOGS

- 3. If you answered “no” to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation.**

REQUEST AND/OR APPEAL BACKLOG

- a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests?**

No. USTDA generally kept pace with its incoming FOIA requests.

- b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?**

No, the lack of a reduction in the request backlog was not caused by a loss of staff.

- c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of requests received?**

No, the lack of a reduction in the request backlog was not caused by an increase in the complexity of requests received.

d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

USTDA generally kept pace with its incoming FOIA requests received, and had only two backlogged requests, and no backlogged appeals, at the end of FY2013. The Agency remains in consultation on one of the two backlogged requests and has made progress on the other request. USTDA will continue to work to reduce its small backlog of requests in the upcoming fiscal year.

“TEN OLDEST” NOT CLOSED

e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

USTDA had only one oldest request pending from Fiscal Year 2012, and no oldest appeals or consultations. The Agency will work to close that request in FY2014.

f. If your agency was unable to close any of its ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

USTDA received its oldest pending FOIA request on June 7, 2010, and referred it to another agency for consultation on June 11, 2010. That consultation remains pending. USTDA reached out to the other agency regarding the status of the consultation in March, 2014. As of the date of this report, USTDA had not received a response from the other agency.

PLANS FOR CLOSING OF TEN OLDEST PENDING REQUESTS, APPEALS, CONSULTATIONS AND REDUCING BACKLOGS

Given the importance of these milestones, it is critical that Chief FOIA Officers assess the causes for not achieving success and create plans to address them.

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2014.

USTDA will devote additional attention to the Agency’s two backlogged requests and one oldest request in Fiscal Year 2014.

5. **If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency’s plan for achieving backlog reduction in the year ahead.**

N/A. USTDA had a backlog of only two requests.

INTERIM RESPONSES

OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information.

6. **Does your agency have a system in place to provide interim responses to requesters when appropriate?**

USTDA provides individualized legal attention to each FOIA request it receives in order to determine, among other things, whether an interim release of information is possible and appropriate. Often, however, the FOIA requests received by USTDA are for relatively short records.

7. **If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.**

N/A. USTDA had only two backlogged requests at the end of FY2013, and did not provide a substantive, interim response to either request during the fiscal year.

USE OF FOIA’S LAW ENFORCEMENT “EXCLUSIONS”

In order to increase transparency regarding the use of FOIA’s statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to “treat the records as not subject to the requirements of [the FOIA], 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. **Did your agency invoke a statutory exclusion in Fiscal Year 2013?**

No.

2. **If so, what is the total number of times exclusions were invoked?**

N/A.

SPOTLIGHT ON SUCCESS

Out of all the activities undertaken by your agency since March 2013 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

In FY2013, USTDA processed its non-expedited FOIA requests in the shortest amount of time, on average, than it has since it began reporting this figure in 2008. Further, and as in FY2012, the Agency responded to nearly half the requests it received with full record grants and did not assert Exemption 5 as a basis for withholding any records. USTDA attributes this success to an effective and efficient process that is appropriate for the Agency's small size and the relatively low number of FOIA requests it receives, as well as to the Agency's continued application of the presumption of openness to all FOIA requests.

In addition, USTDA received fewer FOIA requests in FY2013 than in all but one other year since 1998. The Agency regards this as a success that is attributable at least in part to its continuing efforts to proactively disclose a substantial amount of relevant information about its activities on its website, www.ustda.gov. That website contains a "virtual library" where any person can search for reports on USTDA-funded feasibility study and technical assistance projects by sector, subsector, region, country and/or date. It also contains USTDA's Annual Report and a Report of USTDA-sponsored events and conferences for the Fiscal Year. USTDA believes that its proactive disclosure of a large amount of relevant information substantially lessens the need for members of the public to utilize FOIA to obtain information about its activities. Overall, USTDA employed its best efforts to process all FOIA requests promptly and thoroughly and to apply the presumption of openness to all FOIA determinations, and will continue to do so in FY 2014.
